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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,848	03/08/2001	Christopher Keith	125462	1156
52531 7590 12/11/2007 CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER BARTLEY, KENNETH	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/801,848

Applicant(s)

KEITH, CHRISTOPHER

Examiner

Kenneth L. Bartley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,40-46 and 109-124 is/are pending in the application.
- 4a) Of the above claim(s) 2-39 and 47-99 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,40-46 and 109-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-99 and 109-124 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :Copies/missing  
IDS: 4 IDS documents recvd 9/18/2007.

### **DETAILED ACTION**

1. Receipt of Applicant's amendment and response filed on September 18, 2007 is acknowledged.

#### ***Response to Amendment***

2. Claims 1, 40, 44, 109, 110, 113, 114, 117, 118, and 122 are currently amended. Claims 100-108 have been canceled. Claims 2-39, 47-99 are withdrawn. Claims 1, 40-46, 109-124 are pending in the application and are provided to be examined upon their merits.

#### ***Response to Arguments***

3. Interview Summary  
The Examiner thanks the Applicant for the August 30, 2007 meeting.
4. Information Disclosure Statements  
The Examiner reviewed Applicant's arguments regarding defects prior Office Action cited on IDS input submitted. In summary, the Examiner agrees with the Applicant, thanks the Applicant for resubmitting the IDS forms and documents, and removes prior Office Action objections.

The Examiner notes OIPE stamp dated July 1, 2002, where Applicant indicated mailing of PTO Form 1449 and copies of 1 reference. Therefore, the Examiner agrees with Applicant that Office should have noted discrepancy. This is also true for OIPE dated September 17, 2001, where Applicant indicated PTO Form 1449 sent along with 37 references.

Regarding the statements filed in February 5, 2005, they appear to be duplicates in the system, and the Examiner removes the 37 CFR 1.97(c) objection.

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As to IDS statements filed Feb. 5, 2005, Oct. 9, 2006, and Dec. 18, 2006, the Examiner agrees with the Applicant regarding no fee requirement and that restriction does not constitute a first Office Action.

5. Double Patenting

The Examiner provisionally rejected Claim 1 under 35 U.S.C. § 101 for statutory double patenting with copending Application No. 11/513,714. The Examiner removes this rejection as claim 1 has been amended and statutory double patenting no longer applies.

6. Patentability of Claims 1, 40-46, and 109-124 Over Wilson and McGuire

Applicant's arguments with respect to claims 1, 40-46, and 109-124 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 40-46, and 109-124 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,278,982 to Korhammer et al..

**[Note that the analysis for the method claims (1, 40-46) also applies to the respective system claims (109-110) and product claims (117-124)].**

Regarding claims 1, 109, and 117

(Claim 1) A method of facilitating trading on a platform supporting multiple processes, wherein the platform is a computer system on which the multiple processes are executing, the method comprising:

**Korhammer et al. discloses a platform for executing multiple processes:**

**"In this system, each customer uses a single application on a single trader terminal to view, and analyze security market information from and to conduct security transactions with two or more ECNs, or other comparable ATSS, alone or in combination with one or more electronic exchanges. A**

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**consolidating computer system ("CCS") supplies the market information and processes the transactions in the present system."** (col. 4, lines 14-21)

simultaneously executing on the platform at least two market processes having respective market methodologies, wherein each of the market processes provides a distinct and separate market at which trades can be executed, and

**"These orders will be incorporated in the market data distributed by the CCS. The trading terminal can also execute buy or sell transactions against listed bids and offers, and by using the CCS place the order using the correct protocol for the relevant ECN or electronic exchange."** (col. 4, lines 59-64) Also Fig. 2.

automatically enabling at least two trading processes to trade with each other at the market processes according to the respective market methodologies, wherein the trading processes are executing on the same platform as the market processes.

**"...conduct security transactions with two or more ECNs, or other comparable ATs, alone or in combination with one or more electronic exchanges."** (col. 4, lines 16-20)

Regarding claims 40, 110, and 118:

40. The method of claim 1, further comprising automatically maintaining a market process status file that includes a status of each of the market processes.

**Korhammer et al. teaches:**

**"The CCS aggregates order book information from each participating ECN order book computer including security, order identification, and bid/offer price information."** (col. 4, lines 28-31)

Regarding claims 41, 111, and 119:

(claim 41) The method of claim 40, wherein the market process status file is accessible to the market processes.

**Korhammer et al. teaches:**

**"The trading terminal both displays the market information provided to it by the CCS and allows the customer to place bid and/or offer orders and route them through the CCS to any ECN or electronic exchange for which the customer is permissioned. These orders will be incorporated in the market data distributed by the CCS."** (col. 4., lines 55-60)

Regarding claims 42, 112, and 120:

(claim 42) The method of claim 40, wherein the market process status file is accessible to the trading processes.

**Korhammer et al. teaches:**

**"The trading terminal both displays the market information provided to it by the CCS and allows the customer to place bid and/or offer orders and route them through the CCS to any ECN or electronic exchange for which**

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**the customer is permissioned. These orders will be incorporated in the market data distributed by the CCS.” (col. 4., lines 55-60)**

Regarding claims 43, 113, and 121:

(claim 43) The method of claim 42, further comprising checking an access permission for each of the trading processes before providing access to the market process status file.

**Korhammer et al. teaches:**

**“If, however, customer were only a member of ECN251 and NASDAQ, the CCS 100 would not provide order book information from ECN150, metric calculations based on information from ECN150, or execute any orders to ECN150.” (col. 6, line 67 and col. 7, lines 1-5)**

Regarding claims 44, 114, and 122:

(claim 44) The method of claim 40, further comprising automatically updating in the market process status file the status of at least one of the market processes that has changed its operational mode.

**Korhammer et al. discloses:**

**“If it is a new order, the CCS 100 adds to the master order book the new order and then sorts the order book by price and other factors for a given security 302 . If it is not a new order, the computer then determines whether it is a delete order 303. If it is a delete order, the computer removes the order from the master order book 304.” (col. 9, lines 37-42) In this way, an order can be changed (from limit to market order for example) and the order book is updated.**

Regarding claims 45, 115, and 123:

(claim 45) The method of claim 44, wherein the operational mode is an in process mode.

**Korhammer et al. discloses a limit order:**

**“The customer also specifies the number of shares it wishes to purchase at space 602 and the price at which he/she wishes to purchase at 603.” (col. 10, lines 6-8)**

Regarding claims 46, 116, and 124:

(claim 46) The method of claim 44, wherein the operational mode is a fast symbol mode.

**Korhammer et al. teaches a market order, where order execution would be immediate:**

**“If no price is indicated, this is a market order, that is the user is willing to buy the security at the best available price.” (col. 10, lines 8-10)**

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

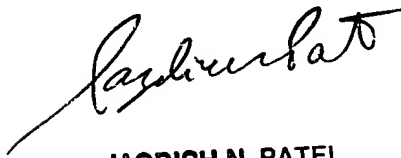
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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PRIMARY EXAMINER